IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 9278 of 2007(D)

PETITIONER:

JOSCO FASHION JEWELLERS,
REPRESENTED BY ITS GENERAL MANAGER,
HIGH ROAD, THRISSUR.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:
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1. **THE DISTRICT SUPERINTENDENT OF POLICE,**
   THRISSUR.

2. **CIRCLE INSPECTOR OF POLICE,**
   THRISSUR EAST POLICE STATION, THRISSUR.

3. **GOLD WORKERS UNION, (CITU),**
   REPRESENTED BY ITS SECRETARY.

4. **SAMYUKTHA SAMARA SAMITHI (GOLD WORKERS),**
   THRISSUR, REPRESENTED BY ITS CONVENER,
   PADMANABHAN.

BY ADV. SRI.K.S.MADHUSOODANAN FOR R3 AND R4
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE NEWS ITEM APPEARED IN SUDHINAM DAILY DATED 7.2.2007.

EXT.P2: COPY OF THE PHOTOGRAPH APPEARED IN SUDHINAM DAILY DATED 7.2.2007.

EXT.P3: COPY OF THE INTERIM ORDER DATED 8.2.2007 PASSED BY THIS HONOURABLE COURT IN W.P.(C).4284/2007.

EXT.P4: COPY OF THE PHOTOGRAPH.

EXT.P5: COPY OF THE PHOTOGRAPH.

EXT.P6: COPY OF THE PETITION DATED 7.3.2007 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P7: COPY OF THE RECEIPT NO.279 DATED 9.3.2007 ISSUED BY THE FIRST RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R3(A): COPY OF THE CONCILIATION NOTICE NO.I(4) 27231/2003 DATED 19.8.2004.

EXT.R3(B): COPY OF THE CONCILIATION SETTLEMENT NO.I.R.2147/06 DATED 7.11.2006 SIGNED BEFORE R.J.L.C.,ERNAKULAM.

EXT.R3(C): COPY OF THE CHARTER OF DEMANDS DATED 29.11.2006.

EXT.R3(D): COPY OF THE SETTLEMENT NO.G4.505/07.

/TRUE COPY/

J.B. KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO.9278 Of 2007 (D)

Dated this the 27th day of March, 2007

JUDGMENT

KOSHY,J.

This is a petition for police protection. We have granted an interim order of protection on 20.3.2007. It is submitted by the counsel for the contesting respondents that management is not attending the conciliation conference. If the management is not attending the conference, the Conciliation officer is empowered under the rules to compell the employer to attend. Question whether persons claimed to be workers are 'workers' or not cannot be decided merely by assertion of the employer. So the interim order dated 20.3.2007 is made absolute on condition that, whenever the notice is served on the employer to attend conciliation proceedings they should attend the same. It is also made clear that contesting workers can conduct any

peaceful demonstration but being a commercial establishment it should not trouble the customers or employees. Therefore no demonstration should be made within 50 metres from the main gate of the establishment. With the above directions this writ petition is disposed of.

J.B.KOSHY,JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No./2007

Judgment

Dated:21st March, 2007